IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 18333 of 2007

For Approval and Signature:

HON'BLE SMT. JUSTICE ABHILASHA KUMARI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JADIBEN ALIAS TARABEN W/D OF BAHALABHAI AMBALALBHAI (DAUGHT - Petitioner(s)

Versus

STATE OF GUJARAT & 6 - Respondent(s)

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Appearance :
MR DC SEJPAL for Petitioner(s) : 1,
Mr.Pathik Acharya,learned Assistant Government Pleader for Respondent Nos.1 and 2
MR YN RAVANI for Respondents No.3 to 7.

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CORAM : HON'BLE SMT. JUSTICE ABHILASHA KUMARI

Date : 18/12/2007

ORAL JUDGMENT

1. This petition has been filed with a prayer to set aside the order dated 21/22-06-2007 passed by the respondent No.1 i.e. Special Secretary, Revenue Department in Revision Application No.64 of 2006, by which the matter has been remanded to the Prant Officer, Gandhinagar.

2. Today, when the matter is taken up for final hearing, Mr.D.C.Sejpal, learned counsel for the petitioner and Mr.Y.N.Ravani, learned counsel for the respondents Nos.3 to 7, have jointly submitted that a compromise has been worked out between the parties and in view of the same, the parties do not want to pursue the present litigation. The learned counsel for the petitioner and respondents Nos.3 to 7 have submitted a Purshis signed by the respondents No.7 and 4 on behalf of respondents Nos.3 to 7. The respondents, who are the signatories of this Purshis, have been duly identified by Mr.Manoj Raval, advocate. The contents of the Purshis are as under:

"The respondents submit that petitioner and respondents are close relatives. The compromise has arrived at between parties. The pursis of trial court are produced herewith. In view of this fact if petition is allowed, it is not objected."

3. Respondent No.4 Ratibhai Chhotabhai and respondent No.7 Rameshbhai Govindbhai are present in the Court today. A copy of the compromise Purshis,submitted before the trial court, is also submitted by the learned counsel for the petitioner and the same is taken on the record of the case.

4. Mr.D.C.Sejpal, learned counsel for the petitioner and Mr.Y.N.Ravani, learned counsel for the respondents Nos.3 to 7 jointly state at the Bar that a compromise has been arrived at between the parties in Civil Suit No.150 of 2006 and Civil Suit No.153 of 2006 pending before the Court of learned Principal Civil Judge (SD) at Gandhinagar and in view of the above said compromise, the parties have no objection if the present writ petition is allowed.

5. Without going into the merits of the case and in

view of the statement made at the Bar by the learned counsel for the petitioner as well as learned counsel for the respondents Nos.3 to 7, the impugned order dated 21/22-06-2007 is set aside. Accordingly, the petition is allowed. Rule is made absolute to the above extent. There shall be no orders as to costs.

(Smt.Abhilasha Kumari,J)

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